

LFC Requester:

Marty Daly

**AGENCY BILL ANALYSIS
2016 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original ☐ **Amendment** ☒
Correction ☐ **Substitute** ☐

Date February 15, 2016

Bill No: SJR 5

Sponsor: Senator Gerald Ortiz y Pino

Agency Code: 305

Short Use & Tax of Marijuana

Person Writing Jennifer Salazar, AAG

Title: & Revenue, CA

Phone: 827-6990 **Email** jsalazar@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

Synopsis:

The Senate Judiciary Committee's Amendment ("Amendment") to Senate Joint Resolution 5 ("SJR") makes amendments to the language found on page one of the original SJR. Specifically, the Amendment would legalize the possession and personal use of marijuana by persons twenty-one years of age or older for a limited duration – from January 1, 2018, to December 31, 2025. The Amendment also specifies that the legalization of marijuana for these purposes is only authorized if the Legislature provides laws for the production, processing, transportation, sale, taxation and use of marijuana revenues.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

Under the new language, the constitutional amendment would not be self-executing, and would not, by itself, allow for the possession and personal use of marijuana; instead, the Amendment would require the Legislature to enact laws to regulate the production, processing, transportation, sale, taxation and use of marijuana revenues before marijuana could be legally used. Thus, if the Legislature fails to implement the necessary legislation, then the possession and personal use of marijuana would not be legal.

Also, as currently drafted, it is unclear whether the personal use of marijuana would be prohibited effective December 31, 2025, or if the Legislature would have to take any additional action through another proposed constitutional amendment and/or legislation, to address the continued legality or illegality of marijuana.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A